

## **Parks, Recreation & Cultural Resources Advisory Board**

June 2, 2016

Agenda Packet





## **AGENDA**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Minutes of Previous Meetings
  - 1. Regular Meeting of May 5, 2016
- F. Audience Participation
- G. Reports
- H. Unfinished Business
- I. New Business
  - 1. Presentation by Darrell Lewis, Historian with National Park Service on the Matanuska Colony Historic Landmark District
  - 2. Presentation on new skateboard park design by Max Schillinger
  - 3. Election of new Chair or Vice Chair
  - 4. Discussion on establishing a closing time for parks
- J. Board Member Comments
- K. Adjournment



## Appendix

A. Call in Order

B. Poll Call

C. Review of Allegations

D. Approval of Affidavits

E. Review of Previous Findings

F. Review Meeting (May 5, 2016)

G. Member Participation

H. Report

I. Sanction Process

J. Sanction

1. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

2. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

3. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

4. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

5. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

6. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

7. Review of Sanction Process: Board of Directors, San Francisco Department of Public Health

A. CALL TO ORDER:  
The regular meeting of the Parish Recreation & Cultural Resources Advisory Board was called to order by Vice Chair, Jennifer Smith at 7:00 p.m.

B. ROLL CALL:  
Present and acknowledging a quorum were Board Members: Jennifer Smith, Vice Chair; Deborah Smith; Deb Miller; Jo Finlayson; Maggie Aubrey; and  
Excused: none present.  
Jennifer Smith, Chair  
Parish Recreation & Cultural Resources

# Minutes May 5, 2016

C. APPROVAL OF MINUTES:  
The minutes of the April 7, 2016 regular meeting were approved as presented.

D. APPROVAL OF RESOLUTIONS:  
The Board approved the following resolutions:  
1. Resolution 2016-01: The Board approved the following resolution:

RESOLUTION 2016-01: The Board approved the following resolution:

RESOLUTION 2016-02: The Board approved the following resolution:

RESOLUTION 2016-03: The Board approved the following resolution:

RESOLUTION 2016-04: The Board approved the following resolution:

**PARKS, RECREATION & CULTURAL RESOURCES ADVISORY BOARD**  
**CITY OF PALMER, ALASKA**  
**REGULAR MEETING**  
**THURSDAY, MAY 5, 2016**  
**7:00 P.M. - COUNCIL CHAMBERS**

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**A. CALL TO ORDER:**

The regular meeting of the City of Palmer Parks, Recreation & Cultural Resources Advisory Board was called to order by Vice Chair Jan Newman at 7:00 p.m.

**B. ROLL CALL:**

Present and constituting a quorum were Board Members:

Jan Newman, Vice Chair  
Stephanie Allen  
Dot Helm  
Jo Ehmann  
Meggie Aube-Trammell

Excused absence(s):

Helene Antel, Chair  
Fran Seager-Boss

Also present were:

Sandra Garley, Community Development Director  
Nathan Wallace, City Manager  
DeLena Johnson, Mayor (at 7:53 p.m.)  
Pam Whitehead, Recording Secretary

**C. PLEDGE OF ALLEGIANCE:** led by Director Garley.

**D. APPROVAL OF AGENDA:**

The agenda was approved as amended, moving New Business item 1 forward out of time courtesy to the presenter. There were no objections.

**E. MINUTES OF PREVIOUS MEETING:**

The minutes of the **April 7, 2016** Regular Meeting were approved as presented.

**F. AUDIENCE PARTICIPATION:**

There were no audience members wishing to speak on a topic not on the agenda.

**I. NEW BUSINESS:** (Committee of the Whole)

[**The Board entered Committee of the Whole at 7:01 p.m.** for open and ease of discussion on the topic with Presenter, Frankie Barker; there were no objections.]

1. Presentation by Frankie Barker, MSB Environmental Planner, on *Economic Benefits of Trails, Parks, and Open Space in the Mat-Su Borough and MSB Walkability Project.*

**Frankie Barker** spoke to the Board outlining details of subject Earth Economics study on the economic benefits of trails, parks, and open spaces, highlighting the return on

investment in Mat-Su lands, and the AARP study focusing on livable communities highlighting the economic benefits of walkable communities. These and other recent studies and fact sheets can be found at [matsu2050.org](http://matsu2050.org), [aarp.org/livable](http://aarp.org/livable), [aarp.org/livability-factsheets](http://aarp.org/livability-factsheets). Ms. Barker provided handouts and spoke to walkability training and identification of funding resources.

Questions and further discussion ensued. Board members were interested in being part of the training and would like to be kept advised and updated on the project.

The Board thanked Ms. Barker for bringing the information forth.

**[The Board exited Committee of the Whole at 7:40 p.m.]**

**G. REPORTS:**

1. 2016 Annual Work Plan:

Director Garley highlighted:

- Arboretum - May 14, 2016 - Community Clean-up Day; tree crew will be there to chip and trim dead limbs/debris on May 12;
- Recreational trails & parks maps – should consider being part of MSB walkability project;
- Sgt. Kurtis Arcala-Berberich Soccer Fields Dedication Ceremony – Scheduled for May 14, 2016 at 2:00 pm; a new flag pole has been purchased and installed; the dedication sign is installed; encouraged board members to attend.

**H. UNFINISHED BUSINESS:**

1. Matanuska Colony Historic District National Historic Landmark – Director Garley directed attention to packet p. 15, letter from Darrell Lewis, Historian, National Park Service, informing that the nomination has been submitted for review. She will keep the Board updated as to progress of the review.

**J. BOARD MEMBER COMMENTS:**

**Board Member Aube-Trammell** asked for an update on the bike racks. Brief discussion ensued as to current status and presentation to the City Council on May 10.

**City Manager Wallace** addressed bike racks speaking to the business owner's responsibility versus the city's responsibility to provide some of the things that are considered shared services. Further discussion ensued. Ms. Garley will put together information on bike racks for board members to present to business owners. Manager Wallace also challenged the Board to find ways to help promote Palmer. He has similarly challenged the other board and commissions. He spoke to crosswalks, sidewalks, and trails connections developing an urban trail and promoting it. He was encouraged by the comments that "we've done this before," and suggested dusting off some of the old plans and revisit some of the projects that have already been identified to see if they're still valid and give him a list in August/September to present to the

council as part of the budget in October.

**Mayor Johnson** spoke briefly to the bike racks.

**Board Member Ehmman** spoke in appreciation of the City Manager's information concerning responsibility of the City versus the business owner on bike racks, and advocated doing whatever we need to do in assisting the project go forward.

**Vice Chair Newman** requested two items for next month's agenda:

1) Discussion on where to move the Mural that was attached to the side of the Salvation Army building; it has been removed and a new location is being sought; 2) SDG, Landscape Design Architects, hosts two French landscape engineering student interns for 8 weeks every summer. SDG gives them projects that will benefit the city. Board members should think about projects to recommend and submit them to Ms. Garley for discussion at the next meeting.

**K. ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:19 p.m.

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Jan Newman, Vice Chairman

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Sandra Garley, Community Development Director

# Reports



**PARKS, RECREATION & CULTURAL RESOURCES ADVISORY BOARD**

**2016 Annual Work Plan – June Meeting**

2016 Activity/Project	Date Added to Work Plan	Budget Required	Staff Support Required	Project Team	Council Action Required	Status
<b>Adopt-A-Park</b>	01/07/16		SG, Public Works	SA		
<b>Arboretum</b>	01/07/16		SG, Public Works	JN, DH, HA		17 volunteers were at Community clean-up Day for Arboretum is May 14. Waiting for MEA Tree crew to chip and trim dead limbs. New Swiss Stone Pine planted on May 15.
<b>Comprehensive signs (wayfinding, gateways, parks, trails &amp; Interpretive)</b>	01/07/16			DH, JN		Resolution 16-001 drafted for 3/3/16 mtg
<b>Complete Donation &amp; Memorial Policy</b>		-	SG	JN & MA-T	Yes	Jan Newman presented at May 24 Council Agenda.
<b>Bicycle rack competition</b>	12/3/15		SG	MA, SA solicit interest from community businesses & organizations		Presented idea to city council – they are supportive. Need to move forward with contacting businesses.
<b>Recreational trails &amp; parks maps</b>	12/3/15		SG	DH, SA		Work with new digital map BED is producing; Should consider being part of MSB walkability

project - a May 5 agenda item.			
<b>Find partners for forum on economic impacts of recreational facilities and trails</b>	SG		Palmer Board of Economic Development has agreed to support concept;
<b>Potential new park near to MTA Events Center</b>	SG working with PJMS to find Saturday date for a community mtg		Schedule neighborhood meeting at PJMS this spring
<b>Dedication ceremony for Sgt. Kurtis Arcala-Berberich Soccer fields</b>	9/10/15	SG back on agenda MARCH 2016	50+ members of the family and community were at the dedication on May 14. New flag pole & sign.
<b>Margie L. Gabrielle memorial bench/table along Shane Woods trail</b>	9/10/15		Staci Manier (donor) is waiting for standards & policy criteria

**Ongoing Responsibilities:**

The Parks, Recreation & Cultural Resources Advisory Board was created to develop, support and advise the city council on all matters pertaining to city parks, recreation and cultural programs and projects, to provide input and recommendations on issues relating to placement of memorials and plaques on city property and on the annual budget for city parks, recreation and cultural programs and projects.

**Other Work Plan ideas considered for current year or future years:**

Expand existing skateboard park or create additional skateboard park

2

On Sunday May 16, members of the community were invited to the planting of a new addition to the more than 109 trees and shrubs currently in the Arboretum – a Swiss Stone Pine donated by Dr. Don Dinkel. Dr. Dinkel is retired from University of Alaska Fairbanks Horticultural research program. As a student, he worked with Dr. Babb in planting many of the original trees in the Arboretum.



Members of Brownie Troop 853 joined Mayor DeLena Johnson and 20 others in cleaning up the Dr. Myron Babb Arboretum. Volunteers donated a total of 47 hours on Saturday, May 14

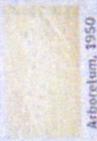
pruning trees and shrubs and raking and clearing debris as part of the City's 2016 Arbor Day celebration.

<b>Arboretum Clean Up Day May 14, 2016</b>				
Name	# Youth	Time In	Time Out	Total Hours
Lori Rested		9:30	2:00	5.5
Chantel Welch		10	12:30	2.5
Aletha Harrington	2	10	12:30	2.5
Sandra Garley		10	1:00	3
Dot Helm		10	2:00	4
Talellene Fox	1	10:30	12:30	2
Diane Fox		10:30	12:30	2.
Kurth Crew	4	10:30	12:30	8
Liz Karcheski		10:30	12:30	2
Daltera		10:30	12:30	2
Brad Sworts		11:00	2	3
Nate Wallace		11:00	1	2
Jan Newman		12:30	2	1.5
Mariah Newman	1	12:30	2	1.5
Steve Johnson		12:30	1:30	1
DeLana Johnson		12:30	1:30	1
Richard Best		12:30	1:30	1
	Total youth	8		<b>Total hours</b>
				<b>44.5</b>

# DR. MYRON F. BABB ARBORETUM

Dr. Babb, a Research Scientist with the Agricultural Research Service, USDA, worked at the Palmer Agricultural Experiment Station from 1948 until 1956. He established the arboretum to test woody species and headed the landscape program for the Station.

The Northland Pioneer Grange Number 1, the Palmer High School, and the community have worked to reestablish the Arboretum. An Arbor Day Grant helped with the funds for signage and maintenance. The goal is to maintain the arboretum as a working classroom, community, and provide a place for additional woody species research.



Arboretum, 1950



2.18.01	Board and committee members
2.18.02	Member appointments
2.18.03	Member resignation
2.18.04	Removal of committee members

## New Business

**Chapter 2.18**  
**BOARDS AND COMMISSIONS GENERALLY**

Sections:

- 2.18.010 Board and commission creation.**
- 2.18.020 Member appointment.**
- 2.18.030 Membership terms.**
- 2.18.040 Officers.**
- 2.18.050 Board or commission termination.**

**2.18.010 Board and commission creation.**

All boards and commissions shall be established by ordinance of the city council. (Ord. 15-019 § 3, 2015)

**2.18.020 Member appointment.**

A. Members shall be nominated by the mayor and confirmed by the council.

B. Mayoral nomination and council confirmation may occur anytime there is a vacancy. (Ord. 15-019 § 3, 2015)

**2.18.030 Membership terms.**

A. The term of each appointed member shall be three years;

B. The three-year terms are calculated as: term beginning date: November 1st, and term ending date: October 31st;

C. Terms shall be staggered by the appointment of initial members for lesser terms so that as nearly as possible a pro rata number of members are appointed each year;

D. A person appointed to fill a vacancy shall serve the remainder of the previous member's term. (Ord. 15-019 § 3, 2015)

**2.18.040 Officers.**

A. Each board or commission shall have a chair and vice chair.

B. The chair and vice chair are selected and appointed from and by the appointive members during the first regular meeting of November each year. If the meeting is not held, the selection and appointment shall occur at the next meeting.

C. If a chair or vice chair vacancy occurs, the appointive members shall select a new chair or vice chair during the next regular meeting following the vacancy.

**2.18.050 Board or commission termination.**

The council may terminate a board or commission in the same manner as it was created.



**CITY OF PALMER  
PARKS, RECREATION & CULTURAL RESOURCES  
ADVISORY BOARD  
INFORMATION MEMORANDUM 16-005**

**SUBJECT:** Park Hours

**AGENDA OF:** June 2, 2016

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**Issue:** City parks and recreational facilities do not all have signs posting hours of operation. A couple of parks have signs that say "closed 11 PM – 6 AM" while the tennis courts are posted as closed "10 PM to 8 AM". As use of these facilities increases, it is important to have hours posted.

**Background:** Palmer Municipal Code Section 12.24.040 of the Park & Recreational Facility Regulations does not designate the hours that City parks are open. The section does however give the manager the authority to establish the hours of operation which them must be posted at each park.

In searching for guidance on what park hours should be established, I found that there are quiet hours (10 PM to 6 AM) referenced in 8.36.025 of the Code; however, this only applies to noise generated by machinery or amplified sounds.

The levels of noise that might be a noise disturbance are found in 8.36.10(F) 2 a-k. These levels are very general and without specific detail on how the noise might be measured.

The third Code section that may apply would be 9.67 Curfew Hour for Minors. Section 9.67.010 defines curfew hours and midnight to 5 AM and includes parks under the definition of "Public place".

**Recommendation:** The Board should develop a recommendation for the City Manager that supports the posting of closing times. Based on current code language, I suggest two signs 1) posting both a closing time and quiet hours and 2) information on the city curfew.



**Park Closed  
From  
11 PM -6 AM  
Please  
observe  
Quiet hours  
from  
10 PM -6 AM**

**Curfew for  
minors  
under the  
age of 18  
is Midnight  
to 5 AM**

**Chapter 12.24**  
**PARK AND RECREATIONAL FACILITY REGULATIONS\***

Sections:

**12.24.010 Purpose.**

**12.24.015 Definitions.**

**12.24.025 General rules.**

**12.24.030 Use permits.**

**12.24.040 Other regulations.**

**12.24.050 Fines.**

**12.24.010 Purpose.**

The purpose of this chapter is to establish regulations for the safe, fair and efficient public use of parks and recreational facilities. (Ord. 08-017 § 3, 2008)

**12.24.015 Definitions.**

The following words or phrases, when used in this chapter, shall have the meanings set forth in this section:

“Camp” means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

“Firearm” means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

“Manager” means the city manager.

“Park” means each of the following parks and playgrounds, including the grounds, structures and buildings, and any property which may hereafter be designated for public recreational use by the city council:

1. A-moose-ment Park (420 W. Fern Avenue);
2. Wilson Park (115 S. Felicia Street);
3. Bugge Park (220 S. Cobb Street);
4. McKechnie Park (643 W. Daron Drive);

5. Hagen Park (201 E. Dolphin Drive);
6. Meier Park (325 S. Silvertip Drive); and
7. Merritt Long Pocket Park.

“Playground” means an outdoor area set aside for children’s recreation and play, especially one containing equipment such as seesaws and swings.

“Recreational facilities” means buildings, structures or places providing the public with an opportunity to pursue sports or leisure activities including but not limited to the:

1. Palmer skateboard park;
2. Palmer ice arena;
3. Palmer golf course;
4. Ken Soule Ball Field;
5. Lions Ball Fields;
6. Buzby Ball Field;
7. Sgt. Arcala-Berberich Memorial Soccer Fields;
8. Junior/senior baseball fields;
9. Sherrod Ball Fields;
10. Tee ball fields; and
11. Bill Hermann Tennis Courts. (Ord. 08-017 § 3, 2008)

**12.24.025 General rules.**

The following general rules govern the public use of parks:

- A. A person may not cut, pick or damage trees, flowers or other vegetation in a park.
- B. A person may not camp in a park except in an area and at a time designated in a permit issued by the manager or the manager’s designee.

C. A person may not light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. A person may not leave an open fire or operating portable camp stove unattended. A person may not use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.

D. A person may not sell or consume any alcoholic beverage in a park, playground or recreational facility except the clubroom of the Palmer golf course and the Palmer ice arena.

E. A person may not possess a firearm in a park except:

1. A peace officer acting within the scope and authority of the officer's employment;
2. A person carrying a concealed handgun in accordance with AS [18.65.700](#) through [18.65.790](#), and carrying a valid permit under such statutes; or
3. A person participating in a public demonstration under a permit issued for that purpose by the manager or the manager's designee.

F. A person shall not shoot a bow and arrow in a park except in an area designated for archery activities by the manager or the manager's designee.

G. A person may not discharge fireworks in a park except in accordance with a permit issued under PMC [8.42.050](#).

H. A person may not operate, or stop, stand or park, a motorized vehicle in a park except:

1. In an area designed for the use, and in a manner permitted by the designation;
2. As permitted under a use permit issued under PMC [12.24.030](#); or
3. Construction, enforcement, maintenance or emergency vehicles operated by the state, the Matanuska-Susitna Borough, the city or their respective contractors.

I. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10 miles per hour in parking areas.

J. A person may not bring an animal into a park except:

1. An animal that is in an area that has been posted for use by domesticated animals;

2. A service animal, guide dog, or signal dog individually trained to provide assistance to an individual with a disability; or

3. An animal that is under the direct control of a peace officer or emergency responder performing official duties, and trained to assist in performing those duties.

K. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.

L. A person may not deposit litter or waste, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park. (Ord. 10-013 § 3, 2010; Ord. 09-025 § 5, 2009; Ord. 08-017 § 3, 2008)

**12.24.030 Use permits.**

A. Park use permits for vendors, use of motor vehicles, animals and camping will be issued by the manager or designee and will address such issues as litter, sanitary facilities, damage, crowd control, traffic control, noise, hours of use, insurance and public notice. Permit fees will be established by council and revised from time to time.

B. User permits for baseball, softball and soccer fields will be issued by the department of community services to the various organizations using the fields, and will address the user's responsibilities, including insurance, trash removal and sanitary facilities.

C. All organizations or individuals purchasing ice time from the Palmer ice arena are required to have a use agreement issued by the department of community services. (Ord. 09-025 § 6, 2009; Ord. 08-017 § 3, 2008)

**12.24.040 Other regulations.**

The manager is authorized to promulgate regulations, in addition to the rules stated in PMC [12.24.025](#), to regulate the use of specific recreational facilities, which shall be posted at the facility. The regulations authorized by this particular section include, but are not limited to, establishment of hours of operations for parks and recreation facilities, measures necessary to increase the comfort or safety of the public, and closure of parks and recreation facilities for maintenance or other reasons. (Ord. 08-017 § 3, 2008)

**12.24.050 Fines.**

A violation of this chapter is an offense punishable by the fine established in the current, adopted budget.

## Chapter 8.36 NUISANCES

Sections:

**8.36.010 Designated – Prohibited.**

**8.36.020 Specific acts designated.**

**8.36.025 Certain acts requiring permit.**

**8.36.010 Designated – Prohibited.**

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is declared to be a public nuisance. Public nuisances shall include, but not be limited to, acts and conditions forbidden by any provision of this title, and no person shall commit, create, or maintain any such nuisance. (Ord. 140 § 1, 1967; 1978 code § 7.30)

**8.36.020 Specific acts designated.**

The following acts and conditions shall constitute a public nuisance, in addition to the prohibition in PMC

8.36.010:

- A. Maintaining any structure which is unsafe or which is a menace to the health, morals or safety of the public, or which has become a fire hazard or a dangerous building within the meaning of Chapter 15.52 PMC;
- B. The dumping, abandoning, throwing or scattering of anything on, or transporting the same in such a manner as to cause the littering of, any street, alley or public place, or of any private property not his own, or to cause the obstruction of any ditch, drain or gutter;
- C. Any well, swimming pool or other dangerous excavation in the earth, including, but not limited to, a gravel pit, kept, maintained or permitted in any uncovered, unprotected, unfenced or inadequately fenced or otherwise dangerous or unsafe condition within the city;
- D. Abandoning a motor vehicle in violation of AS 28.11.010 through 28.11.100, including any regulations adopted thereunder prior to May 1, 1978. The city manager is authorized to adopt regulations subject to council approval to implement these statutes. If the vehicle is inoperable and is estimated by the city manager to have a retail value of less than \$200.00, upon impoundment it may be summarily abated without notice and sold, crushed or disposed of in any other manner selected by the city manager as an economically efficient means of disposal;

E. Abandoning, discarding or throwing away an icebox, refrigerator, freezer or similar equipment which by nature of its use is airtight and equipped with a locking device, unless the door latches or hinges are first removed;

F. Noise Disturbance.

1. It is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

2. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- a. The level of the noise;
- b. Whether the nature of the noise is usual or unusual;
- c. Whether the origin of the noise is natural or unnatural;
- d. The level and intensity of the background noise, if any;
- e. The proximity of the noise to residential sleeping facilities;
- f. The nature and zoning of the area within which the noise emanates;
- g. The density of the inhabitation of the area within which the noise emanates;
- h. The time of the day and night the noise occurs;
- i. The duration of the noise;
- j. Whether the noise is recurrent, intermittent or constant; and
- k. Whether the noise is produced by a commercial or noncommercial activity.

**8.36.025 Certain acts requiring permit.**

A. It shall be unlawful to operate or use the listed items or equipment anywhere within the city limits of Palmer between the hours of 10:00 p.m. and 6:00 a.m. without a city of Palmer permit: generators, portable and stationary; chain saws; power saws; road graders; bulldozers; front-end loaders; power digging equipment; all-terrain vehicles; off-road vehicles; power nailers; and lawn mowers. In addition, it

shall be unlawful to operate or use without a city of Palmer permit any device designed for sound production or reproduction, including, but not limited to, any radio, television set, musical instrument, phonograph, disc player, tape deck, or loudspeaker, between the hours of 10:00 p.m. and 6:00 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or to operate any such device on public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device.

B. Permit applications shall be submitted to the chief of police on forms prescribed by him or her a minimum of 72 hours prior to the effective time of the permit. Permit fees shall be established by the city council in the current, adopted budget. Each permit shall be valid for eight hours maximum.

C. Subsection (A) of this section shall not prohibit operation or use of emergency equipment or heavy equipment during the removal of snow or during a public emergency, or equipment used during emergency power outages of the local electric utility, or live music played on premises licensed by the State Alcohol Beverage Control Board.

D. For purposes of this section, a "plainly audible" sound means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

E. It is unlawful to operate or use the above listed items or equipment in emergency situations or with a permit where said equipment is operated or used in a manner or configuration which creates unreasonably loud noise. (Ord. 07-029 § 23, 2007; Ord. 362 § 4, 1987)

**8.36.030 City manager rule promulgation authority.**

The city manager is empowered to make such rules and regulations subject to approval of the council, in addition to the provisions of this title and not in conflict with it, as he deems necessary for the preservation of the public health and safety, and no person shall violate any such rule or regulation. (Ord. 140 § 1, 1967; 1978 code § 7.37)

## Chapter 9.67 CURFEW HOUR FOR MINORS

Sections:

**9.67.010 Definitions.**

**9.67.020 Curfew violations.**

**9.67.030 Exceptions.**

**9.67.040 Enforcement.**

**9.67.050 Fines.**

### **9.67.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Curfew hours" means midnight to 5:00 a.m.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

"Guardian" means:

1. A person who, under court order, is the guardian of the minor; or
2. A public or private agency with whom a minor has been placed by a court.

"Knowingly" means, with respect to conduct or to a circumstance described by a provision of law defining an offense, that a person is aware that his or her conduct is of that nature or that the circumstance exists, when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist.

"Minor" means any person under the age of 18 years.

"Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

"Parent" means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

"Public place" means any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, highways, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"Remain" means to:

1. Linger or stay; or
2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. (Ord. 547 § 4, 1999)

**9.67.020 Curfew violations.**

A. A minor commits a curfew violation if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

B. A parent or guardian of a minor commits a curfew violation if he or she knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours in violation of this section.

Indifference as to the activities or whereabouts of the minor shall be prima facie evidence of insufficient control.

C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours. (Ord. 547 § 4, 1999)

**9.67.030 Exceptions.**

- A. It is an exception to prosecution under PMC [9.67.020](#) if the minor was accompanied by his or her parent or guardian;
- B. On an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed and dated by the parent or guardian and must indicate the specific errand);
- C. Involved in an emergency;
- D. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;
- E. On the public right-of-way immediately abutting the minor's residence or immediately abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the minor's presence;
- F. Attending, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Matanuska-Susitna Borough school district, a civic organization, or another similar entity that takes responsibility for the minor;
- G. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;
- H. Exercising rights protected by the Alaska Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;
- I. In a motor vehicle involved in interstate travel; or
- J. Married or had disabilities of minority removed in accordance with AS [9.55.540](#);
- K. In addition, it is an exception to prosecution under PMC [9.67.020](#)(C) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 547 § 4, 1999)

**9.67.040 Enforcement.**

Before taking any enforcement action under this chapter, a police officer shall ask the apparent minor offender's age and reason for being in the public place. The officer shall not issue a citation under this chapter unless the officer reasonably believes that a violation has occurred and that, based on any response and other circumstances, no exception in PMC [9.67.030](#) is present. (Ord. 547 § 4, 1999)

# Sidewalks | A LIVABILITY FACT SHEET

Eight in 10 Americans prefer being in a community that offers sidewalks and good places to walk. Six in 10 prefer a neighborhood that features a mix of houses, shops and services within an easy walk versus a neighborhood that requires a car for every errand.<sup>1</sup>

People who live in neighborhoods with sidewalks are 47 percent more likely than residents of areas without sidewalks to be active at least 39 minutes a day.<sup>2</sup>

Sidewalks play a vital role in community life. As conduits for pedestrian movement and access, they enhance connectivity and promote walking. As public spaces, sidewalks are the front steps to the community, activating streets socially and economically.

Safe, accessible, well-maintained sidewalks are a fundamental community investment that enhances public health and maximizes social capital.<sup>3</sup>

Sidewalks increase foot traffic in retail centers, delivering the customers that local shops and restaurants need in order to thrive. Retail properties with a Walk Score ranking of 80 out of 100 were valued 54 percent higher than those with a Walk Score<sup>4</sup> of 20 and had an increase in net operating income of 42 percent.<sup>5</sup>

Interest in sidewalks is so keen that they've become a factor in home prices. For example, in a scenario where two houses are nearly identical, the one with a five-foot-wide sidewalk and two street trees not only sells for \$4,000 to \$34,000 more but it also sells in less time.

A well-constructed sidewalk for a typical 50-foot-wide residential property might cost a builder \$2,000, but it can return 15 times that investment in resale value. According to a 2009 CEOs for Cities report, even a one-point increase in a community's Walk Score could increase home values by \$700 to \$3,000.<sup>6</sup>

**People who live in neighborhoods with sidewalks are 47 percent more likely than residents of areas without sidewalks to be active for at least 39 minutes a day.**



Good downtown sidewalks have enough room for people to walk, stop and talk, or even sit for a bit. This wide sidewalk in State College, Pa., is made of visually appealing paver stones. Care must be taken when installing paver and similar surfaces so wheelchairs and other wheeled devices can roll smoothly over them.

# Myth-Busting!

## ■ “No one will use the sidewalk.”

This might have been true in the past, but research published in 2012 by the U.S. Centers for Disease Control and Prevention<sup>7</sup> (CDC) and in 2013 by the National Center for Safe Routes to School<sup>8</sup> shows that a growing number of people are walking, and that many are children and adults age 65 and older.

People just need safe, convenient and pleasant places near their homes, schools and workplaces to make walking routine, says the CDC study.

## ■ “Americans prefer to drive.”

Perhaps, or maybe they’re driving so much because there are no sidewalks! Federal data on vehicle miles traveled and a recent national study show a decline in driving and car ownership during the 2000s in an overwhelming majority of metro areas.

At the same time, the number of people commuting by bicycle and transit increased.<sup>9</sup> A survey by the Surface Transportation Policy Partnership found that 55 percent of Americans would prefer to walk more and drive less.<sup>10</sup>

## ■ “Trees will be destroyed.”

Not necessarily. Sidewalks can be curved to avoid trees. In fact, protecting a tree is one of the few reasons for a sidewalk to deviate from a direct route.<sup>11</sup>

## ■ “A sidewalk will take land from my lawn.”

Many homeowners don’t realize how far from the curb their private property line actually extends. There’s often enough of a public right-of-way easement in place to create a sidewalk without infringing in any way on a property owner’s land.<sup>12</sup>

## ■ “People will walk too close to my house.”

There’s little difference between what passersby can see from a sidewalk versus what they can already see from their cars or by walking along the edge of the street. Any nearness added by a sidewalk would likely be as little as a just a few feet.<sup>13</sup>

## ■ “Sidewalks increase crime.”

Actually, increased pedestrian activity puts more eyes on the street and creates safety in numbers, which deters and reduces criminal activity.<sup>14</sup>

## ■ “Tax dollars are better spent on other needs.”

Since sidewalks increase property values and tax revenues, they serve as an economic engine. Plus, sidewalk maintenance costs are real estate tax-deductible (IRS Publication 530). Sidewalks are also safety investments (by bringing more eyes and ears to the street) and an integral part of a balanced transportation budget.<sup>15</sup>

## ■ “I’ll be liable if someone gets hurt on a sidewalk near my property.”

It depends. Liability is determined by state and local law, but either government or private owner negligence concerning an “unreasonably safe” or “defective condition” (such as a wide crack or raised section) has to be proven in court in order to win a lawsuit.<sup>16</sup>

## ■ “Sidewalks ruin the character of rural neighborhoods.”

It’s only in recent decades that sidewalks have been phased out of developments. There are many ways to build a sidewalk or path to match the design and feel of a community.

1. National Association of Realtors. (November 2013) National Community Preference Survey. <http://www.realtor.org/articles/nar-2013-community-preference-survey>
2. Sallis J., et al. “Neighborhood Environments and Physical Activity among Adults in 11 countries.” *American Journal of Preventive Medicine*, Vol. 36, No.2
3. National Association of City Transportation Officials (NACTO). (October 2012) *Urban Street Design Guide* pp 24-25. <http://www.nyc.gov/html/dot/downloads/pdf/2012-nacto-urban-street-design-guide.pdf>
4. Walk Score® is an online logarithmic ranking system that determines the basic walkability of a residential or commercial property. Walk Score uses neighborhood factors such as distance to shops and schools to create a number between 0 and 100 that measures the walkability of any address <http://www.walkscore.com>
5. Pivo, G. and Fisher, J.D. (2010) *The Walkability Premium in Commercial Real Estate Investments*. University of Arizona and Benecki Center for Real Estate Studies, Indiana University. [http://www.u.arizona.edu/~gpivo/Walkability%20Paper%208\\_4%20draft.pdf](http://www.u.arizona.edu/~gpivo/Walkability%20Paper%208_4%20draft.pdf)
6. Cortright, J. Impresa, Inc., CEOs for Cities. (August 2009) *Walking the Walk: How Walkability Raises Home Values in U.S. Cities*. [http://www.ceosforcities.org/page/files/WalkingTheWalk\\_CEOsforCities.pdf](http://www.ceosforcities.org/page/files/WalkingTheWalk_CEOsforCities.pdf)
7. Centers for Disease Control and Prevention. (August 2012) Vital Signs. <http://www.nmhc.org/files/ContentFiles/Brochures/Myth%20and%20Fact%20FINAL.pdf>
8. National Center for Safe Routes to School. (October 2013) *Trends in Walking and Bicycling to School from 2007 – 2012*. [http://saferoutesinfo.org/sites/default/files/Trends\\_in\\_Walking\\_and\\_Bicycling\\_to\\_School\\_from\\_2007\\_to\\_2012\\_FINAL.pdf](http://saferoutesinfo.org/sites/default/files/Trends_in_Walking_and_Bicycling_to_School_from_2007_to_2012_FINAL.pdf)
9. U.S. PIRG Educational Fund. (December 2013) *Transportation in Transition: A Look at Changing Travel Patterns in America's Biggest Cities*. <http://www.uspirg.org/news/usp/study-shows-driving-decline-america%E2%80%99s-cities>
10. Surface Transportation Policy Project, Belden Russonello & Stewart. (April 2003) *Americans' Attitudes Toward Walking and Creating Better Walking Communities*. [http://www.transact.org/library/reports\\_pdfs/pedpoll.pdf](http://www.transact.org/library/reports_pdfs/pedpoll.pdf). Whetmore, J.Z. “Retrofit Sidewalks.” *Perils for Pedestrians Public Affairs Series* (November 2012) Retrieved March 3, 2014 <http://www.pedestrians.org/retrofit/retrofit15.htm>
11. Rails to Trails Conservancy, National Park Service. (January 1998) *Rail-trails and Safe Communities: The Experience on 372 Trails*. [http://www.railstotrails.org/resources/documents/resource\\_docs/Safe%20Communities\\_F\\_Ir.pdf](http://www.railstotrails.org/resources/documents/resource_docs/Safe%20Communities_F_Ir.pdf)
12. Ibid

# How To Get It Right



The ideal sidewalk widths: seven feet in residential areas, eight to 12 feet in downtown settings.



Sidewalks that are properly built can last 25 years or more with little more than minimal care.

## When advocating and planning for sidewalks, consider the following:

### ■ Engage neighbors and the community

Expect some opposition and use this fact sheet to help make the case for the sidewalks. Mobilize like-minded people and work together as a neighborhood or community. Meet with your neighbors to raise awareness and address any resistance.

### ■ Make the sidewalk wide enough

Sidewalks are critical in downtown neighborhoods and busy retail areas, both of which have lots of people, destinations and potential conflicts with vehicles. In these areas it's important to install sidewalks that are wide enough to handle foot traffic and features such as cafe seating, benches and other spots for socializing.

### ■ Use a site-appropriate design

A sidewalk should fit its setting. Even rural communities can benefit from a tastefully designed walkway. Make sure sidewalks are well-maintained and appealing, with safe and convenient street crossings and enough width to accommodate two or three people walking side by side.

The ideal setback for a sidewalk is four to 10 feet from the street. Planter strips, trees and on-street parking can extend the buffer, increasing comfort and slowing traffic.

### ■ Prioritize high-use areas and connectivity

At the outset of a sidewalk construction program, prioritize where to build first by focusing on a quarter-mile circle around schools, parks, transit stops and key commercial destinations. Everything within that circle should be a priority for sidewalk construction. Be sure to map sidewalks so they're connected between the primary areas where people work, shop and play.

### ■ Consider driveways

In many neighborhoods and retail areas, driveways are full of both moving and parked cars. Since driveways interrupt a sidewalk's flow and safety, they should be kept to a minimum in commercial areas.

Carefully plan the best way to treat sidewalks that will cross driveways, especially in high-use areas. Alleys are a good tool for separating people from traffic, especially in retail areas.

### ■ Build and maintain with municipal funds

Many communities require property owners to pay for and clear sidewalks (snow, ice, etc.). Since sidewalks are a public benefit, a better policy would be to install and maintain sidewalks with public funds.

13. Ibid

14. Berg, D. (N.D.) "Sidewalk Slip and Fall: Who is Liable?" NOLO. <http://www.nolo.com/legal-encyclopedia/sidewalk-slip-fall-who-liable.html>

15. Rails to Trails Conservancy, National Park Service. (January 1998) *Rail-trails and Safe Communities: The Experience on 372 Trails*. [http://www.railstotrails.org/resources/documents/resource\\_docs/Safe%20Communities\\_F\\_lr.pdf](http://www.railstotrails.org/resources/documents/resource_docs/Safe%20Communities_F_lr.pdf)

16. Federal Highway Administration. (N.D.) *Pedestrian Safety Guide and Countermeasure Selection System*. [http://www.pedbikesafe.org/PEDSAFE/resources\\_guidelines\\_sidewalkwalkways.cfm](http://www.pedbikesafe.org/PEDSAFE/resources_guidelines_sidewalkwalkways.cfm)

## ■ Decatur, Georgia: Citywide Sidewalk Program

Decatur has been dubbed the most walkable city in Georgia, with more than 60 miles of sidewalks in its 4.2 square miles. The ongoing, citywide sidewalk improvement program began in 2004 with a Health Impact Assessment and funding from annual appropriations by the Decatur City Commission.

The program's goal is to have a sidewalk on at least one side of every street in town. More than four miles of new and replacement sidewalks had been built by 2014.

## ■ Austin, Texas: Sidewalk Prioritization

The City of Austin has built almost 100 miles of new sidewalks since 2005 to encourage walking as a viable mode of transportation and to improve safety, accessibility and pedestrian mobility.

Austin completed a detailed sidewalk inventory, documented current conditions, obtained public input on sidewalk needs and issues, and established city sidewalk priorities that were organized into a downloadable Sidewalk Prioritization Map. The city prioritizes compliance with the Americans with Disabilities Act, sidewalks that allow children to walk safely to school, a connected network of sidewalks, trails and bikeway, and sidewalks that serve bus stops. More than 300 bus stop sidewalks have been completed since 2011.

## ■ Calloway County, Kentucky: School Sidewalks

Walking or bicycling to school was prohibited in and around the small city of Murray because there were no sidewalks and it wasn't a safe way to travel. The local government offered to build sidewalks if the school system would change the policy. The effort resulted in 15,960 feet of sidewalks, including from the county middle school to a low-income housing area. Hundreds

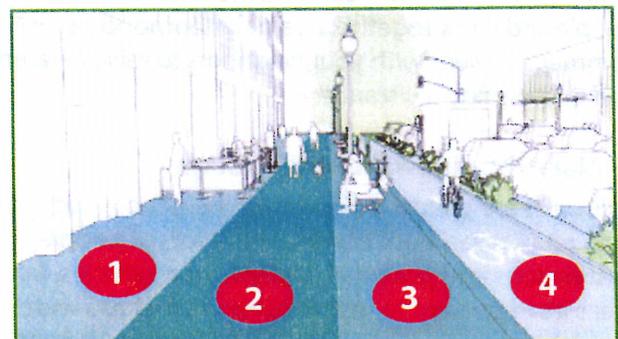
of students now regularly walk to school.

"Every time I look down the street, there are people on the sidewalks, people pulling wagons, people walking their dogs," said a school district administrator.

## HOW IT WORKS

Design guidelines recommend a minimum sidewalk cross section of five feet, exclusive of other amenities and large enough for at least two people to walk side by side. Here's a guide to the potential spaces alongside a property.

1. **Frontage Zone:** an extension of the building
2. **Pedestrian Through Zone:** safe and adequate place for walking, five to seven feet wide in residential areas, eight to 12 feet in downtown or commercial settings
3. **Street Furniture/Curb Zone:** plants, trees, benches, lighting and bike parking to provide a protective barrier from motorized traffic
4. **Enhancement/Buffer Zone:** curb extensions, parklets, parking, bike riding, bike e-racks and bike stations



National Association of City Transportation Officials, Urban Street Design Guide, nacto.org

## RESOURCES

1. **Los Angeles County Model Design Manual for Living Streets.** (2011) <http://www.modelstreetdesignmanual.com/>
2. **Advanced Sidewalks and Streets Toolkit.** AARP. (2011) <http://www.aarp.org/content/dam/aarp/livable-communities/plan/assessments/advanced-streets-and-sidewalks-toolkit-2011-aarp.pdf>
3. **Costs for Pedestrian and Bicyclist Infrastructure Improvements.** Bushell, M., et al. UNC Highway Safety Research Center, Federal Highway Administration. (October 2013) [http://katana.hsrrc.unc.edu/cms/downloads/Countermeasure%20Costs\\_Report\\_Nov2013.pdf](http://katana.hsrrc.unc.edu/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf)
4. **Walkability, Real Estate and Public Health Data,** Walk Score Data Services, <http://www.walkscore.com/professional/research.php>
5. **Sidewalks and Streets Survey.** [http://safety.fhwa.dot.gov/provencountermeasures/fhwa\\_sa\\_12\\_013.htm](http://safety.fhwa.dot.gov/provencountermeasures/fhwa_sa_12_013.htm)
6. **Business Performance in Walkable Shopping Areas.** Active Living Research. (November 2009) [http://activelivingresearch.org/files/BusinessPerformanceWalkableShoppingAreas\\_Nov2013.pdf](http://activelivingresearch.org/files/BusinessPerformanceWalkableShoppingAreas_Nov2013.pdf)
7. **Walk Score blog** at <http://blog.walkscore.com/>



### AARP LIVABLE COMMUNITIES

**Mail:** 601 E Street NW, Washington, DC 20049  
**Email:** [livable@aarp.org](mailto:livable@aarp.org)  
**Online:** [aarp.org/livable](http://aarp.org/livable)



### WALKABLE AND LIVABLE COMMUNITIES INSTITUTE

**Mail:** 2023 E. Sims Way #121, Port Townsend, WA 98368  
**Email:** [community@walklive.org](mailto:community@walklive.org)  
**Online:** [walklive.org](http://walklive.org)

## 2016 Parks, Recreation & Cultural Resources Advisory Board Meetings

Meeting Date	Meeting Type	Meeting Time	Notes
July 7, 2016	Regular	7:00 PM	
August 4, 2016	Regular	7:00 PM	
September 1, 2016	Regular	7:00 PM	
October 6, 2016	Regular	7:00 PM	
November 3, 2016	Regular	7:00 PM	
December 1, 2016	Regular	7:00 PM	

